

REMARKS

Favorable reconsideration of this application is respectfully requested.

Applicants first wish to thank Examiner Tawfik for the courtesies extended to Applicants' undersigned representative during the in-person Interview on June 9, 2009.

During the Interview, independent Claim 1 and various ones of the dependent claims were discussed with respect to the *Copland* and *Hiroaki* references applied in the outstanding Office Action. The Examiner tentatively agreed that Claim 1 and its dependents distinguish patentably from *Copland* and *Hiroaki*, pending further consideration after an appropriate response to the outstanding Office Action is filed with the Office.

In the outstanding Office Action, Claims 1, 2, 5, 9, 10, and 12¹ were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Copland*. Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Copland* in view of *Hiroaki*. Applicants respectfully traverse the rejections and request withdrawal thereof.

Independent Claim 1 presently recites a system for processing a pre-formed plastic container filled with a hot product, comprising, hot filling means for filling a rigid container body of the pre-formed plastic container with the hot product in a production line, the rigid container body having a surface surrounding an interior of the rigid container body and having a projection extending from the rigid container body; means for capping a neck of the filled rigid container body with a cap in the next operation of the production line; means for transporting through the production line the pre-formed plastic container having the projection extending from the rigid container body; means for supporting, during the transporting, the rigid container body having the projection

¹ Applicants respectfully note that the body of the rejection in the outstanding Office Action does not address the features of dependent Claim 12.

extending from the rigid container body; means for cooling the rigid container body of the pre-formed plastic container filled with the hot product; and means for pushing the projection extending from the cooled rigid container body into the interior of the rigid container body so that the resultant, filled and cooled rigid container body is relatively free of structural geometry over a substantial portion of the surface.

It is apparent that the collective disclosures of *Copland* and *Hiroaki* fail to teach or suggest all of the features of Applicants' invention, as presently recited in Claim 1.

For example, as discussed during the Interview, at the time of filling the container at zone D, the sidewalls of *Copland*'s container are flexible, not rigid. Therefore, *Copland* does not teach or suggest Applicants' claimed hot filling means for filling a rigid container body of the pre-formed plastic container.

Copland also fails to disclose Applicants' claimed means for capping a neck of the filled rigid container body with a cap. *Copland* discloses applying an upper film 11 to seal the container 30. However, *Copland*'s upper film is not a cap, and nothing in *Copland* is the same as or equivalent to, under 35 U.S.C. § 112, sixth paragraph, the structure disclosed by Applicants' means for capping a neck of the filled rigid container body with a cap, such as shown in FIG. 2.

Copland further fails to disclose Applicants' claimed means for cooling the rigid container body of the pre-formed plastic container filled with the hot product. The Office Action indicates that *Copland*'s containers are cooled "via atmospheric temperature cooling." See Office Action, p. 2. However, assuming *arguendo* that *Copland* discloses such atmospheric temperature cooling, such cooling is not the same as or equivalent to the structure disclosed by Applicants' means for cooling, such as shown in FIG. 4, under 35 U.S.C. § 112, sixth paragraph.

Hiroaki fails to cure at least the above-noted deficiencies in *Copland*.

In view of the foregoing, independent Claim 1 distinguishes patentably from the collective disclosures of *Copland* and *Hiroaki*. Withdrawal of the rejection is therefore respectfully requested. Dependent Claims 2-5, 9, 10, and 12 are allowable at least based on their dependence from allowable Claim 1.

In addition to being allowable based on their dependence from Claim 1, dependent Claims 2, 4, and 12 are allowable because the collective disclosures of *Copland* and *Hiroaki* fail to teach or suggest the respective features recited therein.

Claim 2 recites that when the rigid container body is cooled by said means for cooling, the cooling produces a vacuum within the rigid container body, and substantially all of the vacuum is taken up by the pushing. *Copland* and *Hiroaki* disclose pushing up a bottom end of a container, but do not teach or suggest that a portion of a vacuum is taken up by the pushing, let alone that substantially all of the vacuum is taken up.

Claim 4 recites means for inverting the projection extending from the rigid container body into the interior of the rigid container body in the next operation of the production line after the parison is blow-molded; and means for repositioning the projection of the rigid container body with a force prior to the filling by said filling means for filling so that the projection moves outside of the rigid container body and extends from the rigid container body. As discussed during the Interview, *Copland* and *Hiroaki* disclose pushing up a bottom end of a container, but neither of these references discloses, for example, the claimed means for repositioning the projection of the rigid container body with a force prior to the filling by said filling means for filling so that the projection moves outside of the rigid container body and extends from the rigid container body.


Claim 12 recites at least a mini vacuum panel, wherein the pushing of the projection takes up the majority of the resultant vacuum and the mini vacuum panel takes up the remainder. *Copland* and *Hiroaki* fail clearly to disclose these features.

In view of the foregoing, a Notice of Allowance is respectfully solicited. Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4289FP-13495US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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